

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAUL SABINO,
Plaintiff,
-against-
PORT AUTHORITY POLICE
DEPARTMENT, et al.,
Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/17/2023

21-CV-5731 (JGK) (BCM)

ORDER**BARBARA MOSES, United States Magistrate Judge.**

The Court is in receipt of plaintiff's letter dated and filed October 11, 2023. (Dkt. 181.)

Plaintiff requests that the Court "place[] [this] case back into the Hon. Moses's calendar to have a conference" and "take 'judicial notice' of attached injury pictures." *Id.* at ECF p. 1. Additionally, plaintiff requests "online paperless option of notification in this case." *Id.*

There is no motion presently pending before Judge Moses. Nor does plaintiff identify any other circumstance that would require a conference. Plaintiff is reminded that his motion for leave to amend his complaint is now pending before the district judge in this case (*see* Dkts. 119, 120, 125, 126, 127, 128, 146, 151, 157, 162, 164, 167, 173), as is his motion seeking, *inter alia*, judgment on the pleadings. (*See* Dkt. 142.)

The Court cannot take judicial notice of plaintiff's photographs. A federal district court can take judicial notice of *facts*, but only when such facts are "not subject to reasonable dispute," either because they are "generally known within the trial court's territorial jurisdiction" or because they "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b)(1)-(2). The party requesting that judicial notice be taken must supply the Court with the "necessary information." Fed. R. Civ. P. 201(c). Generally speaking, photographs depicting a plaintiff's injuries are not subject to judicial notice. If properly

authenticated, however, such photographs may be admissible as evidence at trial or, where relevant, as evidence in support of or in opposition to a pretrial motion.

If plaintiff wishes to receive case information by e-mail, plaintiff must follow the instructions for the Consent and Registration Form, available on the website of the United States District Court for the Southern District of New York at <https://www.nysd.uscourts.gov/forms/consent-electronic-service-pro-se-cases> and attached to this Order.

For the reasons set forth above, plaintiff's request for a conference, and for the Court to take judicial notice of his photographs, is DENIED.

Dated: New York, New York
October 17, 2023

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge



**United States District Court
Southern District of New York**

Pro Se (Nonprisoner) Consent to Receive Documents Electronically

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER¹ at www.pacer.uscourts.gov or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one "free look" at the document by clicking on the hyperlinked document number in the e-mail.² Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first "free look" or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the "free look" to avoid future charges.*

IMPORTANT NOTICE

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court's Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your "free look" and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.³

¹ Public Access to Court Electronic Records (PACER) (www.pacer.uscourts.gov) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

² You must review the Court's actual order, decree, or judgment and not rely on the description in the email notice alone. See ECF Rule 4.3

³ The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk's Office at the Court.

PRO SE INTAKE WINDOW LOCATIONS:

40 FOLEY SQUARE | NEW YORK, NY 10007
300 QUARROPAS STREET | WHITE PLAINS, NY 10601

MAILING ADDRESS:

500 PEARL STREET | NEW YORK, NY 10007
PRO SE INTAKE UNIT: 212-805-0136

CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

Civil case(s) filed in the Southern District of New York:

Please list all your pending and terminated cases to which you would like this consent to apply. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

Name (Last, First, MI)

Address

City

State

Zip Code

Telephone Number

E-mail Address

Date

Signature